

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Osmar Fransisco ZACARIAS-RODRIGUEZ, a/k/a
 Ricardo Javier Gonzales, Osmar Zacarias, Osmar
 Rodriguez, Alex Zacarias-Rodriguez and Osmar
 Francisco Zacarias-Rodriguez

Case No.

Case: 2:24-mj-30187

Assigned To : Unassigned

Assign. Date : 5/14/2024

Description: RE: OSMAR
FRANSISCO

ZACARIAS-RODRIGUEZ (EOB

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 6, 2024 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a), (b)(1) Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about May 6, 2024, in the Eastern District of Michigan, Southern Division, Osmar Fransisco ZACARIAS-RODRIGUEZ, an alien from Guatemala, who had previously been convicted of a felony offense, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about October 2, 2019, at or near Houston, Texas and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a), (b)(1).

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: May 14, 2024City and state: Detroit, MI

*Complainant's signature*Michael Everson, BPA*Printed name and title*

*Judge's signature*David R. Grand, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

I, Michael Everson, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. I have been employed in this capacity since December 2011. Currently, I am assigned to the Detroit Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed material from the official Immigration file and system automated data relating to Osmar Fransisco ZACARIAS-RODRIGUEZ, which reveals the following:
2. ZACARIAS-RODRIGUEZ is a thirty-three-year-old male, native and citizen of Guatemala, who last entered the United States at or near an unknown place, on or about an unknown date without being admitted, inspected, or paroled by an Immigration Officer.
3. On or about September 20, 2010, ZACARIAS-RODRIGUEZ was arrested by U.S. Immigration and Customs Enforcement (ICE) Agents.
4. On or about September 23, 2010, an Immigration Judge granted him a Stipulated Removal.
5. On or about October 7, 2010, ZACARIAS-RODRIGUEZ was removed back to Guatemala through Alexandria, Louisiana.
6. On or about September 3, 2012, ZACARIAS-RODRIGUEZ was arrested by Larimer County Sheriff's near Fort Collins, Colorado using the alias of Alex Oscar ZACARIAS-RODRIGUEZ. He was charged with Driving Under the Influence (DUI), Resisting Arrest, and Driving without a Driver's License.
7. On or about September 18, 2012, ZACARIAS-RODRIGUEZ was convicted of misdemeanor DUI on by the Colorado District and County Court at Larimer County and sentenced to twenty (20) days in jail.
8. On or about September 21, 2012, at or near Centennial, Colorado, ICE Agents arrested ZACARIAS-RODRIGUEZ and reinstated his prior order of removal.

9. On or about October 30, 2012, ZACARIAS-RODRIGUEZ was removed from the United States to Guatemala through Phoenix, Arizona.
10. On or about May 26, 2015, ZACARIAS-RODRIGUEZ was arrested by U.S. Border Patrol Agents at or near Why, Arizona, and was issued an Expedited Removal.
11. On or about July 3, 2015, ZACARIAS-RODRIGUEZ was removed back to Guatemala through Phoenix, Arizona.
12. On or about November 30, 2017, ZACARIAS-RODRIGUEZ was arrested by U.S. Border Patrol Agents in Detroit, Michigan and his prior order of removal was reinstated.
13. On or about April 16, 2018, ZACARIAS-RODRIGUEZ was convicted in the Eastern District of Michigan for Unlawful Re-Entry Following Removal, in violation of 8 USC §1326(a) and was sentenced to time served (131 days) and supervised release for 12 months.
14. On or about May 16, 2018, ZACARIAS-RODRIGUEZ was removed back to Guatemala through Alexandria, Louisiana.
15. On or about January 13, 2019, ZACARIAS-RODRIGUEZ was arrested by Border Patrol Agents at or near Roma, Texas. His prior order of removal was reinstated.
16. On or about June 3, 2019, ZACARIAS-RODRIGUEZ was convicted in the Southern District of Texas for Unlawful Re-Entry, in violation of 8 USC §1326(a),(b) and was sentenced to 8 months in jail. His prior term of supervised release was revoked and he was sentenced to 91 days' prison, concurrent.
17. On or about October 2, 2019, ZACARIAS-RODRIGUEZ was removed back to Guatemala through Houston, Texas.
18. On or about May 6, 2024, ZACARIAS-RODRIGUEZ was encountered by Detroit Border Patrol Agents following a request by Sterling Heights Police for assistance. Sterling Heights Police officers told the responding Border Patrol Agents that ZACARIAS-RODRIGUEZ was pulled over for an expired vehicle registration and he used the name "Omar ZACARIAS" to

identify himself. He also gave the officers a different home address from the address given during his processing. Border Patrol Agents interviewed him following the police officers' investigation and ZACARIAS-RODRIGUEZ admitted to being in United States illegally. He was transported to the Detroit Border Patrol Station for processing. His prior order of removal was reinstated.

19. During investigation it was discovered that ZACARIAS-RODRIGUEZ uses numerous alias names including Ricardo Javier Gonzales, Osmar Zacarias, Osmar Rodriguez, Alex Zacarias-Rodriguez and Osmar Francisco Zacarias-Rodriguez. He also uses several different dates of birth.
20. Osmar Fransisco ZACARIAS-RODRIGUEZ's fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that ZACARIAS-RODRIGUEZ is a citizen of Guatemala with the foregoing immigration history who has been previously removed from the United States. The record checks did not provide any evidence that ZACARIAS-RODRIGUEZ legally entered the United States or had been issued any document or status that would allow him to enter or remain the United States.
21. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
22. Review of the Alien File (A# xxx xxx 616) for Osmar Fransisco ZACARIAS-RODRIGUEZ and queries in Department of Homeland Security databases confirm no record exists of ZACARIAS-RODRIGUEZ obtaining the express permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on October 2, 2019.
23. Based on the above information, I believe there is probable cause to conclude that Omar ZACARIAS-RODRIGUEZ, is an alien who was found in the United States after removal, and after being convicted of a felony offense,

without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a), (b)(1).



Michael Everson, Border Patrol Agent
U.S. Department of Homeland Security

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable David R. Grand
United States Magistrate Judge

May 14, 2024